AO 245B (Rev. 09/19) Judgment in a Criminal Case Sheet 1

UNITED STATES DISTRICT COURT

Southern District of New York JUDGMENT IN A CRIMINAL CASE UNITED STATES OF AMERICA Case Number: S1 23 CR 00062 (KMK) Zachary Huebsch USM Number: 81499-509 Rachel Martin, Esq. Defendant's Attorney THE DEFENDANT: X pleaded guilty to count(s) pleaded nolo contendere to count(s) which was accepted by the court. was found guilty on count(s) after a plea of not guilty. The defendant is adjudicated guilty of these offenses: Offense Ended Title & Section Nature of Offense Count 18 USC 2252A(a)(2)(B) Receipt and Distribution of Child Pornography 8/21/2021 and (b)(1) The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. ☐ The defendant has been found not guilty on count(s) X Count(s) any open or pending X are dismissed on the motion of the United States. It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances. November 16, 2023 Date of Imposition of Judgment Signature of Judge Hon. Kenneth M. Karas, U.S.D.J. Name and Title of Judge

Date

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AO 245B (Rev. 09/19) Judgment in Criminal Case Sheet 2 — Imprisonment

Judgment — Page 2 of 7 **DEFENDANT:** Zachary Huebsch CASE NUMBER: 23 CR 00062 (KMK) **IMPRISONMENT** The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 120 months for Count 1. The Defendant has been advised of his right to appeal. X The court makes the following recommendations to the Bureau of Prisons: It is recommended that the Defendant be designated as close to Devens, Massachusetts or as close to Pine Bush New York as possible. X The defendant is remanded to the custody of the United States Marshal. The defendant shall surrender to the United States Marshal for this district: a.m. □ p.m. as notified by the United States Marshal. ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: before 2 p.m. on as notified by the United States Marshal. as notified by the Probation or Pretrial Services Office. RETURN I have executed this judgment as follows: Defendant delivered on , with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

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AO 245B (Rev. 09/19) Judgment in a Criminal Case Sheet 3 - Supervised Release

DEFENDANT: Zachary Huebsch Judgment-Page

CASE NUMBER: 23 CR 00062 (KMK)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

10 years of supervised release for Count 1.

- MANDATORY CONDITIONS 1. You must not commit another federal, state or local crime. 2. You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from 3. imprisonment and at least two periodic drug tests thereafter, as determined by the court. ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable) X You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of 4. restitution. (check if applicable) 5. X You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable) X You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as 6.
- directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
- You must participate in an approved program for domestic violence, (check if applicable) 7.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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Judgment in a Criminal Case Sheet 3A — Supervised Release

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DEFENDANT: CASE NUMBER: Zachary Huebsch 23 CR 00062 (KMK)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your
 release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time
 frame.
- After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

4. You must answer truthfully the questions asked by your probation officer.

- 5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

	5	á	
Defendant's Signature		7	Date

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Sheet 3D — Supervised Release

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DEFENDANT: Zachary Huebsch CASE NUMBER: 23 CR 00062 (KMK)

SPECIAL CONDITIONS OF SUPERVISION

It is recommended that if the Defendant is sentenced to any period of supervision, it is recommended that he is to be supervised by the district of residence.

The Defendant shall submit his person, residence, place of business, vehicle, and any property, computers (as defined in 18 USC 1030(e)(1)), electronic communications, data storage devices and/or other media under his control to a search on the basis that the Probation Officer has reasonable belief that contraband or evidence of a violation of the conditions of the defendant's supervised release may be found. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The Defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.

See attached for additional special conditions

The standard conditions 1 to 12 are imposed. Those will be explained later by the Probation Department.

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The added conditions are as follows: Mr. Huebsch is not to have any contact whatsoever with the victim or her family in this case. This includes any physical, visual, written, 9 telephonic contact of any kind, and he is not to cause or encourage anyone else to have such contact with the victim or 11 her family.

Next, Mr. Huebsch is not to access any websites, chat 13 rooms, instant messaging or social networking sites where his 14 criminal history, including this conviction, would render such 15 access in violation of the terms of the service of that website, 16 chat room, instant messaging or social networking site.

Also, Mr. Huebsch is to submit his person, as well as 18 any property, residence, vehicles, computers, electronic data 19 storage devices and the like to a search by the Probation 20 Department if need be with the assistance of any other law enforcement agency on the basis that there is reasonable 22 suspicion concerning the violation of the conditions of release 23 or other unlawful conduct. The search is to be done at a 24 reasonable time and in a reasonable manner, but failure to submit to such a search may itself be grounds for revocation.

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1 Mr. Huebsch is to notify any others that the premises may be subject to search pursuant to this condition.

Also, Mr. Huebsch is to permit the probation office to install any application or software that allows it to survey and/or monitor all activity on any computer, automated service, or connected devices that he would use during the term of supervision and that can access the Internet, and that the Probation Department is authorized to install such applications or software as necessary. Tampering with or circumventing the 10 monitoring capabilities of the Probation Department is strictly prohibited.

To ensure compliance with this condition, Mr. Huebsch is to allow the Probation Department to conduct initial and 14 periodic unannounced examinations of any devices that are subject to monitoring. He is to notify any others who use the 16 devices that the device is subject to examination pursuant to this condition. He is to provide the probation office advance notification of planned use of any devices, and will not use any devices without approval until compatibility is determined and installation is complete. Applications for any devices used shall be approved by the probation office. Once the probation office ensures compatibility with the surveillance/monitoring application or software, websites, chat rooms, messaging and social networking sites shall be accessed via the device's web 25 browser unless otherwise authorized.

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Mr. Huebsch is not to create or access any Internet 2 service provider account or other online service using someone 3 else's account, name, designation or alias. He will not utilize any peer-to-peer file-sharing applications without the prior approval of the probation office. The use of any devices in the course of employment will be subject to monitoring or restriction as permitted by the employer.

Also, Mr. Huebsch is to undergo a sex-offense-specific evaluation and participate in an outpatient sex offender treatment and/or outpatient mental health treatment program approved by the probation office. He is to abide by any rules, requirements and conditions of the sex offender treatment program, including submission to polygraph testing, and refraining from accessing websites, chat rooms, instant messaging or social networking sites to the extent that sex 16 offender treatment and/or mental health treatment program determines that such access would be detrimental to his ongoing treatment. He will not view, access, possess and/or download any pornography involving adults unless approved by the sexoffender-specific treatment provider. He is to waive his right of confidentiality of records from any mental health assessment and treatment imposed as a consequence of this judgment to allow the U.S. Probation Office to review the course of treatment and progress of the treatment provider. He is to contribute to the cost of the services rendered based on his ability to pay or the

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availability of third-party payment.

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The Court authorizes the release of available psychological and psychiatric evaluations and reports, as well as the presentence investigation report, to the treatment provider.

Also, Mr. Huebsch is restricted from viewing, accessing, possessing and/or downloading any sexually explicit 8 material involving minors, including those created via the method of morphing or other image creation format. He is not to view or possess any "visual depiction" as defined in 18 U.S.C. Section 2256, including any photograph, film, video, picture, or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of "sexually explicit conduct" by a minor under the age of 18.

He is also not to have any contact with any child under 18 unless approved by the probation office. He is not to loiter within 100 feet of places regularly frequented by children under the age of 18, such as schoolyards, playgrounds, and arcades. He is not to view and/or access any web.profile and users under the age of 18. This includes, but is!not limited to: Spcial networking websites, community portals, chat rooms or other online environment which includes audio-visual messaging, which would allow for realtime interaction with other 24 users without the prior approval from the probation office.

If the probation officer determines based on their

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evaluation of Mr. Huebsch's criminal records, personal history
or characteristics that he does pose a specific risk to another
person or any other organization, the probation officer, with
the approval of the Court, may require Mr. Huebsch to notify the
person about the risk, and he has to comply with that
instruction. The probation officer may contact the person and
confirm that they have been notified about the risks.

Mr. Huebsch can be supervised by the district of his residence.

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DEFENDANT: CASE NUMBER: Zachary Huebsch

23 CR 00062 (KMK)

CRIMINAL MONETARY PENALTIES

	The defe	ndant	must pay the tot	al crin	ninal monetary	penalti	es under	the schedule	of payments on Sheet 6	5.
TO	TALS	\$	Assessment 100.00	\$	Restitution 19,725.90	\$	<u>Fine</u>	9	AVAA Assessment*	JVTA Assessment**
			tion of restitutio		ferred until		An	Amended J	udgment in a Crimina	al Case (AO 245C) will be
	The defe	ndant	must make resti	tution	(including com	munity	restituti	on) to the fol	lowing payees in the an	nount listed below.
	If the de the prior before th	fendar ity ord e Uni	nt makes a partia der or percentag ted States is paid	l paym e paym l.	ent, each payed ent column bel	shall i low. H	receive a lowever,	n approximat pursuant to	tely proportioned payme 8 U.S.C. § 3664(i), all	ent, unless specified otherwise i nonfederal victims must be pai
c/o	ne of Pay Clerk of the	he Co		I	otal Loss***			Restitution	10 Ordered \$19,725.90	Priority or Percentage
TO	TALE		•				\$		19.725.90	
10	TALS		\$				Φ		19,723.90	
	Restitu	ion ar	nount ordered p	ursuan	t to plea agreen	nent \$				
	fifteent	h day		the jud	lgment, pursuai	nt to 18	U.S.C.	§ 3612(f). A		fine is paid in full before the as on Sheet 6 may be subject
X	The co	ırt det	ermined that the	defen	dant does not h	ave the	ability t	o pay interes	t and it is ordered that:	
	☐ the	intere	est requirement i	s waiv	ed for the	fine		estitution.		
	X the		est requirement f		fine	X r	estitution	is modified	as follows:	
* 4	my 1/2-1-		interest is suspe			istor	Act of	O10 Dub I	No. 115 200	
**]	Justice for	y, and Victi	Andy Child Porms of Trafficking	nograj g Act	of 2015, Pub. I	. No. 1	14-22.	.010, Pub. L.	NO. 113-239.	

^{***} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Sheet 6 — Schedule of Payments

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DEFENDANT: CASE NUMBER: Zachary Huebsch 23 CR 00062 (KMK)

SCHEDULE OF PAYMENTS

Hav	ing a	assessed the defendant's ability to pay, pa	yment of the total crimina	al monetary penalties is due as	s follows:				
A									
		not later than in accordance with C,	, or, e	F below; or					
В		Payment to begin immediately (may be); or				
C	П			v) installments of \$	over a period of				
	_			(e.g., 30 or 60 days) after the					
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or							
E		Payment during the term of supervised imprisonment. The court will set the pa	release will commence w ayment plan based on an	ithin (e.g., 30 assessment of the defendant's	or 60 days) after release from ability to pay at that time; or				
F		Special instructions regarding the paym	ent of criminal monetary	penalties:					
		ne court has expressly ordered otherwise, if od of imprisonment. All criminal monetal Responsibility Program, are made to the endant shall receive credit for all payment							
	Join	nt and Several							
	Def	se Number fendant and Co-Defendant Names cluding defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate				
	The	e defendant shall pay the cost of prosecut	ion.						
	The	The defendant shall pay the following court cost(s):							
X		The defendant shall forfeit the defendant's interest in the following property to the United States: See Order of Forfeiture attached.							

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

SOUTHERN DISTRICT OF			
		X	
UNITED STATES OF AM	ERICA	:	ORDER OF RESTITUTION
- v		:	23 Cr. 62 (KMK)
ZACHARY HUEBSCH,		:	
	Defendant.	: v	
		V	

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Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Marcia S. Cohen, Assistant United States Attorney, of counsel, and with the consent of ZACHARY HUEBSCH, the Defendant, by and through his counsel, Rachel Martin, Esq., and upon consideration of the Presentence Report, the Plea Agreement, the sentencing submissions, and the factors set forth in Title 18, United States Code, Section 3663, 3663A, and 3664, it is hereby ORDERED that

- 1. Amount of Restitution. ZACHARY HUEBSCH, the Defendant, shall pay restitution in the total amount of \$19,725.90 to Victim-1. The name and address for Victim-1 is set forth in the Restitution Schedule attached hereto. Upon advice of a change of address, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.
- 2. Timing of Payments. While serving any term of imprisonment, the Defendant shall not be required to make restitution payments.
- 3. Sealing. Consistent with 18 U.S.C. §§3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of Victim-1 the Restitution Schedule attached hereto shall be filed under seal, except that copies may be retained and used or disclosed

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by the Government, the Clerk's Office, and the Probation Department, as need be to effect and enforce this Order, without further order of this Court.

Dated: White Plains, New York February 14, 2024

SO ORDERED:

HONORABLE KENNETH M. KARAS UNITED STATES DISTRICT JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- V. -

CONSENT PRELIMINARY ORDER

OF FORFEITURE AS TO

SPECIFIC PROPERTY

ZACHARY HUEBSCH,

: S1 23 Cr. 62 (KMK)

Defendant.

:

WHEREAS, on or about May 24, 2023, ZACHARY HUEBSCH (the "Defendant"), was charged in a one-count Superseding Information, S1 23 Cr. 62 (KMK) (the "Information"), with receipt and distribution of child pornography, in violation of Title 18, United States Code, Sections 2252A(a)(2)(B) and (b)(1) (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, of any and all property, real and personal, constituting or derived from proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Information, and any and all property, real or personal, that was used or intended to be used to commit or facilitate the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information and the following specific property:

- a. A Samsung Smartphone with serial number R5CR60K8EBJ;
- b. A Samsung Galaxy S8 with IMEI 357712084519007; and
- c. A Samsung Galaxy S7 with IMEI 35171308091480;

(a. through c. collectively, the "Specific Property");

WHEREAS, on or about May 24, 2023, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States all right, title and interest of the Defendant in the Specific Property;

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property, pursuant to Title 18, United States Code, Section 2253, which constitute property used or intended to be used to commit or to promote the commission of the offense charged in Count One of the Information; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Marcia S. Cohen, of counsel, and the Defendant and his counsel, Rachel Martin, Esq., that:

- 1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.
- Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this
 Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant

ZACHARY HUEBSCH, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

- 3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.
- 4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.
- 5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

- 6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.
- 7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.
- 8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.
- 9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

The signature page of this Consent Preliminary Order of Forfeiture as to 10. Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS United States Attorney for the Southern District of New York

By:

MARCIA S. COHEN

Assistant United States Attorney One St. Andrew's Plaza

New York, NY 10007 (212) 637-2444

11/13/2023

DATE

ZACHARY HUEBSCH

11/16/2023 DATE

By:

RACHEL MARTIN, ESQ.

Attorney for Defendant 81 Main Street Suite 300 White Plains, NY 10601

SO ORDERED:

HONORABLE KENNETH M. KARAS UNITED STATES DISTRICT JUDGE